

(1993) 05 AHC CK 0096

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 15695 of 1993

Moti Lal Gupta

APPELLANT

Vs

District Inspector of Schools and Others

RESPONDENT

Date of Decision : 06-05-1993

Acts Referred:

Citation : (1993) 3 AWC 1657 : (1993) 3 UPLBEC 1582

Hon'ble Judges : Ravi S. Dhavan, J

Bench : Single Bench

Advocate : S.D.N. Singh, for the Appellant;

Final Decision : Dismissed

Judgement

Ravi S. Dhavan, J.—The Petitioner, Moti Lal Gupta, a teacher at the Tej Bahadur Singh Uchchattar Madhyamik Vidyalaya, Nigoh, district Jaunpur, complains that he has not received, his salary as a L. T. grade teacher with effect from 1987. He was appointed in 1987, and contends that his papers were sent to the District Inspector of Schools but, as no action had been taken, it tantamounts to a deemed approval under Sub-regulation (6) of Regulation 6 of Chapter II of the Regulations- framed under the U.P. Intermediate Education Act, 1921. Thus, approval or no approval, he submits, there is a presumption of law that approval has been granted and he is entitled to his salary. On the claim of the Petitioner to receive salary, he prays to this Court that a writ of mandamus be issued.

2. If the contention of the Petitioner on merits be correct, his claim to receive salary hitherto not paid; is the salary for the last six years.

3. The Court will refrain any comments on the merits of the case, as this would yet remain open. But, the Court has reservations, that regard being had to the circumstances of this case, the general law of limitation cannot be disregarded that any one may come at any time to seek a relief notwithstanding that it may be sought with inordinate delay. While each situation will vary upon the facts and circumstances of each case, this is not a case on which this Court should permit

the exercise of issue of a writ in its extraordinary jurisdiction, indiscriminately, to call for a return on the petition when the Petitioner himself did not come within a reasonable time after being aware that his salary in arrears was not being paid. The Petitioner may file an actionable claim before an appropriate Court or seek any other remedy under the U.P. Education Code. But, regard being had to" the circumstances of this case, the Court is not inclined to issue a writ on a claim which the Petitioner" accepts as pending for six years.

4. Thus, this petition is simplicitor laid to rest, as dismissed.